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Utility-Transportation Corridor Work Management Plan

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State of Montana



Submitted By:

Interagency Task Force

State of Montana

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Memorandum

To: Agency Head

From: Interagency Task Force

Subject: Interagency Utility-Transportation Corridor Study
Proposal for the State of Montana

Attached for your review and concurrence is an interagency proposal to develop a federal-state utility and transportation corridor planning and siting process. The proposal has been formulated by Staff of the Montana Department of Natural Resources and Conservation, Bureau of Land Management and Forest Service and represents a pilot effort in cooperative, interagency planning which could serve as a prototype for other states and regions.

The proposal clarifies the need for coordination of federal and state regulatory and planning procedures and permits the participating agencies to better discharge their responsibilities in managing the public lands and resources. The proposal outlines the project objectives, the process that will be followed to develop joint corridor siting policies and criteria, and includes a budget and proposed organizational structure.

We, the interagency task force, request your endorsement of the proposal on the following page and commitment in obtaining the necessary funding.

PLEASE RETURN

cc:

Ted Doney, Director, Department of Natural Resources and Conservation, 32 S. Ewing, Helena, Montana 59601
Michael J. Penfold, State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107
Tom Coston, Regional Forester, U.S. Forest Service, P.O. Box 7669, Missoula, Montana 59807

ENDORSEMENTS

We, concur with the Interagency Utility-Transportation
Corridor Study Proposal for the State of Montana.

Governor,
State of Montana

Director, Date
Department of
Natural Resources
and Conservation

Regional Forester, Date
USFS, Region 1

Montana State Date
Director, BLM

DRAFT

Utility-Transportation Corridor
Work Management Plan
for
State of Montana

Submitted By:

Interagency Task Force

<u>State of Montana</u>	<u>U.S. Forest Service</u>	<u>U.S. Bureau of Land Management</u>
Randy Moy	Earl Reinsel	Alan Evans
Wayne Wetzel	Jim Schoenbaum	David Darby

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I. INTRODUCTION

Public interest reflected in national and State legislation directs Federal and State agencies to utilize utility and transportation corridors to minimize adverse environmental impacts caused by the proliferation of separate rights-of-way. Specific legislation relating to corridors includes:

- 1) National Forest Management Act of 1976 (NFMA).
- 2) Federal Land Policy and Management Act of 1976 (FLPMA).
- 3) 1973 Amendment to the Mineral Leasing Act.
- 4) National Environmental Policy Act (NEPA).
- 5) Montana Major Facility Siting Act (MFSA).
- 6) Montana Environmental Policy Act (MEPA).

The utility industry and land management agencies are interested in corridor management to (1) insure the consideration of all lineal right-of-way needs in land use planning, especially between Federal, State and local jurisdictions; (2) reduce costs and time in considering individual project proposals; and (3) improve corridor siting decisions by planning in advance of specific project proposals.

In response to the legislation and the interests outlined above, the Forest Service (USFS) and Bureau of Land Management (BLM) are establishing a coordinated nationwide corridor planning effort, with initial emphasis on large blocks of USFS and BLM-managed lands in the western United States. States are concerned with private and state lands

within their boundaries and also are interested in ensuring that all corridors are sited in an acceptable manner. As part of the nationwide effort, the Forest Service Region 1, BLM Montana State Office and the State of Montana have agreed to cooperatively establish an interagency utility-transportation corridor planning effort within Montana. Citizens and utilities are encouraged to participate, and it is hoped that this effort will assist the establishment of similar studies in other western states. If this proposal is adopted, coordination with adjacent states will be required. Discussion of the draft Montana Work Management Plan (WMP) follows.

II. OBJECTIVES

The overall objective of Phase 1 of this WMP is to identify corridor standards, policies and options available to the line managers of the Forest Service, BLM and State of Montana. Two steps are required (1) develop the process necessary to identify siting standards, policies and designation options and receive management approval to proceed; and (2) complete the process and present the results to management for review and decision.

Specific study objectives are:

Phase 1

- 1) Establish an interagency utility-transportation corridor coordinating process.
- 2) Identify existing utility-transportation corridor policies and standards.

- 3) Identify, evaluate and recommend additional utility-transportation corridor policies and standards.
- 4) Determine and adopt methods for designating existing, potential or proposed corridors.
- 5) Make recommendations on how to proceed with Phase 2 and Phase 3.

Phase 2 - (Preliminary Objectives)

- 1) Test and evaluate, on a pilot basis, the method for designating corridors.
- 2) Implement a corridor designation process.

Phase 3 - (Preliminary Objective)

- 1) Prepare an interagency Right-of-Way Management Program.

III. CHARTER

The charters for this Work Management Plan are as follows:

- 1) The Memorandum of Understanding between the Governor of Montana dated June 26, 1975, and State Director of the Bureau of Land Management.
- 2) The Memorandum of Understanding between the Governor of Montana dated December 10, 1973, and the Regional Forester of the Forest Service.
- 3) Cooperative Agreement between the Northern Region (Region 1) Forest Service, U.S. Department of Agriculture, et al., and Montana State Office (Montana, North Dakota and South Dakota) Bureau of Land Management, U.S. Department of the Interior dated July 27, 1979, and August 28, 1979.
- 4) The Memorandum of Understanding for Facility Siting between the Director of the Montana Department of Natural Resources and Conservation dated June 16, 1976, and State Director of the Bureau of Land Management and Regional Forester of the Forest Service. (A copy of this memorandum is included in Appendix A)

This effort will also be directed according to the approved Work Management Plan. Any involvement by other units or government or industry (i.e., technical support) shall be agreed to by the steering committee as needed at the time of involvement.

IV. ASSUMPTIONS

This WMP is based on the following assumptions:

- 1) An interagency steering committee (presently referred to as the interagency task force) will direct an interdisciplinary team in preparing the corridor study.
- 2) Technical assistance and information will be requested from present and potential utility-transportation corridor users.
- 3) The FS, BLM and State of Montana will participate as equal partners in the study.
- 4) Study length for Phase 1 will not exceed 18 months from the time the Work Management Plan is approved.
- 5) Right-of-way types considered in this plan include highways, transportation-transmission facilities and systems for water, electric energy, petroleum products, coal, communications and others as specifically defined in FLPMA, the 1973 Amendment to the Mineral Leasing Act, and the MFSA. A description of existing right-of-way types that will be inventoried for this project is included in Appendix B. Appendix C contains a list of definitions of key terms that will be used in this plan and the subsequent corridor planning process.
- 6) Legislation may be required before the State of Montana can participate in Phases 2 and 3.

V. CORRIDOR PLANNING PROCESS

The corridor planning envisions three general phases: Phase 1) development of cooperative policies, procedures, and standards; Phase 2) land use planning corridor allocation(s); and Phase 3) right-of-way management.

Key products are as follows:

- Phase I {
 - 1) A public report documenting the existing corridor situation in Montana and technical constraints on corridor siting;
 - 2) An interagency corridor evaluation program which would include cooperative policies, siting criteria, overall stipulations by right-of-way type, and a siting methodology;
- Phase II {
 - 3) Corridor designation or designations as the land use allocation is appropriate through long term agency planning, designation of new or existing corridors, or site specific evaluations of individual proposals;
- Phase III {
 - 4) A cooperative right-of-way management agreement as the basis for compliance and monitoring; and
 - 5) A land owner guide to assist land owners in their negotiations with private companies and agencies for rights-of-way across their property.

The Forest Service and the Bureau of Land Management are particularly concerned that the corridor planning process should occur in the context of agency land management planning. However, neither agency has the complete jurisdiction nor a planning program that adequately

considers lineal rights-of-way. There is no land management planning process that can deal comprehensively with a 400-mile right-of-way corridor which spans several BLM planning units, several national forests, state land, private land, and other federal and state agency administered lands. This is the reason for the development of the corridor planning process. However, such a process must be an integral part of the federal agency land management planning processes and reflect the decisions and guidance which stem from federal resource planning.

The following narrative explains each step in the accompanying process flow diagram, including the steps labelled P1-P8 which highlight the phases in the process where key interrelationships with federal agency land management planning processes occur.

PROCESS

PHASE 1: Cooperative Policies, Procedures, Standards

STEP 1

The three agencies agree that the corridor planning a process is desirable and designate steering committee members to guide the process.

STEP 2

Steering committee would develop a work management plan for the process, including a definition of the types of rights-of-way involved, development of the process, a definition of agency responsibilities, documentation of process objectives, and identification of funding and staff needs. Upon approval by management, the process would be underway.

STEP 3

A plan and funding, including a likely contract, would be developed and implemented to map existing corridors and lineal facilities and identify technical standards and constraints over the siting of individual types of rights-of-way and on conflicting uses between facility types.

STEP 4

An interdisciplinary team to work on the process would be hired or designated.

STEP 5

With the guidance of the work group, a designated project manager would prepare an action plan, including detailed definition of work procedures, tasks, and goals, with emphasis on techniques for accomplishing the objectives, specific time frames, and assignment of responsibilities for project completion. Responsibilities include development of presentations to the steering committee, a public/agency involvement proposal, and specific proposals for involvement of other agencies or groups where appropriate (e.g., WAPA, BPA, industry).

STEP 6

Steering committee would approve the detailed action plan.

STEP 7

Work group would summarize existing corridor siting policies. A major consideration would be to insure that the policies are an accurate statement or translation of national or agencywide policies in effect in state government and with the federal agencies. Any conflicting policies at this stage would probably have to be resolved prior to proceeding further.

STEP 8

Based upon the work begun in Step 3, the group would produce a draft progress report summarizing existing lineal facilities, technical siting standards and existing corridor siting policies.

STEP 8a

The work group would produce a technical information file, including all data and maps generated during Step 3, for interagency use.

STEP 9

The draft progress report would undergo steering committee and other general agency review as appropriate.

STEP 10

The draft progress report would undergo revisions, final editing and clearance.

STEP 11

The progress report would be a public report documenting the existing situation and framework within which future planning efforts would occur. Ideas for further policy identification would be solicited.

STEP 12

With considerable participation by the steering committee, the work group would evaluate existing corridor siting policies, incorporating ideas generated during Step 11 where appropriate, and make recommendations for new policies or policy changes. The steering committee would also serve as liaison between the three participating agencies and others.

STEP 13

The process anticipates that the steering committee would give the work group the necessary clearance to proceed once Step 12 is completed, rather than involving agency management at this stage. This assumes that the policy recommendations would be reviewed by agency management at Step 18 in conjunction with the completed work product.

STEP 14

Specific corridor siting criteria to be applied within the framework of the policies outlined during Step 12 would be developed; these may include a) general criteria applicable to all siting situations; and b) criteria oriented toward special types of uses.

STEP 15

The work group would prepare general siting stipulations and guidelines by type of right-of-way use. The stipulations would be most useful at this stage as a guide for applying siting criteria in specific situations. During Steps 27 and 30 it would provide the framework for site specific assessments and for legal right-of-way documents (grant or permit) that would be issued.

STEP 16

The work group would develop a general procedure and process (methodology) for applying policies, criteria, and stipulations to an interagency siting program. This methodology would guide the completion of Steps 27, 28, 29, and possibly Steps 22 through 26.

STEP 17

The work group would incorporate Steps 12, 14, 15, and 16 into a draft program document.

STEP 18

Following steering committee review, the program would be presented to agency management for extensive review. If agreement can be reached at this stage, the State of Montana and the two federal agencies would have a common approach to dealing with the issue of corridor siting.

STEP 19

A draft report would be developed at this stage for public review prior to finalizing the cooperative program.

STEP 20

In addition to agency and general public review at this stage, the program review could include outside professional review.

STEP 21

Based on management review and approval, a final program would be printed and would then become the basic agency planning and program guide for corridor siting, to be used in specific instances, in consultation with other parties and agencies, and in inter-agency land use planning processes.

STEP 21a

Existing agency or interagency agreements would be modified as necessary to accommodate the final approved program.

STEP 22

The work group would develop and analyze options for applying the corridor siting process. including a) specific geographical siting options and b) alternatives approaches to dealing with corridor siting. The steering committee would directly participate in this step.

STEP 23

Based upon the analysis in Step 22, corridor designation options would be presented to agency management. The presentation would be directed to the Governor of the State of Montana, the Montana State Director of the BLM and the Regional Forester of USFS, Region 1.

STEP 23a

Management may desire detailed review by other staff specialists as well as discussion among the decision makers to determine whether any type of corridor designation is advisable.

STEP 24

A joint federal/state decision would be made as to how to proceed with the corridor siting process, including the following options: 1) site specific applications; 2) corridor designation; or 3) long range planning. A budget proposal for funding Phases 2 and 3 would be needed at this stage.

This would end Phase I.

PHASE 2: Land Use Planning Corridor Allocation(s)

STEP 25

After corridor designation methodology is tested, evaluated and determined desirable, any preliminary designations would undergo an extensive public review and revision process prior to final corridor designation. An environmental impact statement or environmental assessment or other type of documentation procedure would probably have to be developed by the agencies involved. Material developed during Steps 12, 15, 16 and 22 could be utilized but new analysis might also be required. The corridor designation approach (e.g., exclusion-avoidance area versus corridor banking) or the extent to which new corridors would be designated, would be part of the management decision at Step 24.

STEP 26

This step represents formal corridor designation. Based on Steps 22 through 25, existing corridors or new corridors within Montana might be designated. In the context of Steps 27 through 29, a joint Federal-State corridor designation would be made much as the separate Federal and State corridor designations were made on the Colstrip project.

STEP 27

This step is the application of the corridor program to a specific proposal, much as is envisioned by the Level

II agreement currently in effect between the Forest Service, BLM, and the Montana Department of Natural Resources and Conservation. This site-specific process would be part of the cooperative process regardless of whether Steps 22 through 25 are pursued.

STEP 28

The assessment process would be similar to the inter-agency transmission analysis performed on Colstrip, but with joint Federal-State participation.

STEP 29

A draft EIS and an option summary for public review would be issued. Following public review, a final EIS and option summary would be issued.

STEP 30

Corridor designation could follow a site-specific analysis as well as the general process leading in sequence to Step 26, followed by Step 30 which represents the issuance of a right-of-way grant or a land use allocation commitment. The specific land use allocation commitment would be made by the State of Montana and the federal agencies only at this point, no such grant would be issued with the general corridor designation under FLPMA or comparable state authorities.

This would end Phase 2.

PHASE 3: Right-Of-Way Management

STEP 31

This step assumes that the agencies involved have agreed to a process for joint management of energy rights-of-way under their jurisdiction. Phase 3 is based on the premise that line or program managers will be responsible for field compliance and monitoring and that the specialties and personnel involved might be different from those involved in the corridor process. Therefore, a different group may develop the cooperative right-of-way management process.

STEP 32

Draft management procedures for compliance would be produced.

STEP 33

An optional product would be a draft land owner guide similar to the one developed by the State of North Dakota. Land owners would be informed of the common right-of-way management practices between agencies and private companies.

STEP 34

The documents produced at Steps 32 and 33 would have to go through agency review, with a draft Land Owners Guide possibly undergoing public review.

STEP 35

The outgrowth of Phase 3 would be a cooperative right-of-way management agreement among the parties involved.

STEP 36

Another possible product would be a public brochure entitled "Land Owners Guide," for dissemination to private individuals dealing with companies or agencies in the granting of right-of-way across their property.

STEP P1

Agency planning and program requirements would be a major consideration in determining the scope and the nature of the corridor planning process itself.

STEP P2

Existing agency documents would be used to provide information in the development of existing situations and standards.

STEP P3

Existing agency policies as well as the implications of existing land management plans would directly influence the development of draft corridor siting policies in Step 12. Working clearance of draft siting policies by the steering committee would reflect a close examination of existing policies, plans, and procedures.

STEP P4

Existing agency criteria and standards would be evaluated and compared in the development of siting criteria and common stipulations for use in Step 15.

STEP P5

Interagency approval of common corridor policies and criteria in Step 21 would become basic planning guidance to be used in the development of land management plans by the federal agencies. Also, the development of general stipulations by right-of-way type would become part of the program guidance in the land and realty program for these agencies.

STEP P6

The interagency corridor program would constitute continuing guidance for long range planning of the federal agencies involved.

STEP P7

Land management planning decisions, including inter-governmental consultation and the implementation of cooperative agreements, would be developed with the corridor program as a base and incorporated to the degree possible in the context of ongoing scheduled agency land management plans.

STEP P8

Completed land management plans applying the corridor program could lead to the designation of corridor crossings for specific planning regions by the federal agencies. In this case the land management plans would include a corridor designation. Conversely, specific or cooperative corridor designations outside the context of land management planning would immediately become an amendment to existing land management plans.

VI. ORGANIZATION

Steering Committee -

The Steering Committee shall consist of, and be limited to, six members. Two shall be appointed by each head of the Montana-based units of the three principals involved (i.e., BLM, USFS and State of Montana). The appointments shall occur prior to March 30, 1980. The committee shall provide oversight, liaison with the host agencies, policy direction, administrative support and quality control. The interface of the committee with the project unit will be of critical importance. The committee shall communicate with and provide informal review of the efforts of the project unit weekly and shall formally meet with and review the production of the unit at least bimonthly.

Staff -

The project unit shall be composed of the following complement of personnel/skills:

Project Manager (Landscape Architect/Planner)	F
Ecologist	F
Engineer	F
Social Scientist	F
Secretary	F
Typist	B
Cartographer	B
Cartographer	B
Editor	B
Hydrologist/Geologist	B
Realty Specialist	B
Other (Natural Resource Specialist, Economist, etc.)	B

- F - Full-time project employee
- B - Personnel to be borrowed on an as-needed basis from the host agencies, or if unavailable by hire, to be acquired through personal service contracts

From among the full-time staff, as listed above, one individual shall be selected by the steering committee as a project manager and shall be compensated for such additional responsibilities. Due to the nature of this pilot effort and the sensitivity of the issues being evaluated, all personnel shall have achieved a full competence and demonstrated capability in the particular speciality which they represent.

Tentative Location -

The project unit shall be located with the Montana Department of Natural Resources and Conservation (DNRC) staff in Helena, Montana. The reasons favoring a Helena location are:

- (1) DNRC has agreed to provide direct overview and support services to the unit.
- (2) DNRC represents the land management interests of the state and Helena is the focal point of government in Montana.
- (3) DNRC has an extensive facility siting data bank.

Duration -

Phase 1 is scheduled to commence on April 1, 1980 and be completed no later than September 30, 1981. With the completion of Phase 1, Phases 2 and 3 would begin.

Agency Support

The following are options for agency support in the project, in order of preference:

- (1) In order to staff this effort as rapidly as possible, it is assumed that existing personnel in the three participating agencies will be selected to work full time on the project. The host agencies will then fill behind such personnel as necessary to perform the work left behind. It is assumed that persons accepting this special assignment will be guaranteed a position at their original location and grade upon completion of the project.

This option is preferred because it provides for direct agency representation in the work effort.

- (2) Personal services (independent) contractors could perform the work. The problem with this approach is the lack of direct agency involvement. Where complete understanding of agency policy and planning criteria are an integral part of a work effort, as in this case, contract service do not appear to be a desirable alternative. Also, the expertise gained by the project staff would not remain with the agencies after project completion. In addition, federal contracting regulations generally preclude personal service contracts.

Special support will be called for periodically from the staffs of host agencies. This support work ranges

from one day to several weeks in duration. Where such support is of short duration (less than one week), the host agencies shall be expected to cover costs from within normal operating budgets. Where support roles are more extended, special budget supplements may be arranged from the project allocations prescribed later in this report.

VII. Alternatives

Organizational and operational alternatives have been considered and developed. These alternatives are available in the notes of the Task Force.

While several alternatives were considered, the Helena project unit, as earlier defined, is the recommendation of the Task Force.

VIII. Budget

Cost Element	<u>FY80</u> (000's)	<u>FY81</u> (000's)	<u>TOTAL</u> (000's)
a. Personnel at \$2000 per workmonth*	\$32	\$120	\$152
b. Equipment at \$800/FTP	\$ 4		\$ 4
c. Contracts Existing Corridor Situation	\$32		
Printing		\$ 20	\$ 52
d. Space 1200 sq. ft. for personnel and storage (by DNRC) 200 sq. ft. employee room (by DNRC)	\$ 3.6	\$ 7.2	\$ 10.8
e. Agency backup at 20% of total WM cost	\$ 6.4	\$ 24	\$ 30.4
Subtotals	\$78	\$171.2	\$249.2
25% overhead**	19.5	42.8	62.3
Grand Total Funding Needs	\$97.5	\$214	\$311.5 or 310 rounded

* Workmonth (WM) cost presumes 10 direct WMs/yr/position, salary, travel and minor miscellaneous supplies, equipment, etc.

**Includes substantial support costs for Steering Committee.

It is the conclusion of the interagency task force that 1/3: 1/3: 1/3 will be the most equitable funding split between the three agencies for this effort. However, Montana's budgets are approved by the State's biennial legislature which is next in session in 1981. There currently are no funds available to cover any State participation.

MEMORANDUM OF UNDERSTANDING
FOR
MAJOR FACILITY SITING
BETWEEN
FOREST SERVICE, BUREAU OF LAND
MANAGEMENT AND MONTANA DEPARTMENT
OF NATURAL RESOURCES AND CONSERVATION

To coordinate the relationship between the "Montana Major Facility Siting Act" and Federal land management responsibilities, the agencies agree upon the requirements and procedures outlined herein.

SECTION I - INTRODUCTION

This section covers those items common to both Sections II and III.

A. Purpose and Objectives

1. Purpose - To provide guidelines for the three agencies to effectively work together on planning, programming, and management issues related to major facilities set forth in the Montana Major Facility Siting Act.
2. Objectives
 - a. Coordinate responsibilities
 - b. Avoid duplication of effort
 - c. Increase efficiency
 - d. Expedite decision analysis process
 - e. Share skills and knowledge
 - f. Exchange information
 - g. Coordinate public involvement process
 - h. Reduce costs

B. Authorities

This Memorandum of Understanding is entered into under the authority granted to each agency by law and is related to the Memorandum of Understanding of June 1975 between the Governor of Montana and the Montana State Director of the Bureau of Land Management, and the Memorandum of Understanding of December 1973 between the Governor of Montana and the Regional Forester of the Forest Service.

Principal agency authorities associated with this Memorandum of Understanding are:

1. Forest Service
 - a. Section 5 of the Act of April 24, 1950 (Granger-Thye Act)
 - b. Multiple Use-Sustained Yield Act of 1960
 - c. National Environmental Policy Act of 1969
 - d. Intergovernmental Cooperation Act, 1968
 - e. OMB Circular A-95 (revised)
 - f. and all amendatory acts thereof or supplemental thereto and Secretary of Agriculture regulations.

2. Bureau of Land Management
 - a. Right-of-way regulations, 43 Code of Federal Regulations 2800
 - b. Intergovernmental Cooperation Act, 1968
 - c. National Environmental Policy Act, 1969
 - d. OMB Circular A-95 (revised)
 - e. and all amendatory acts thereof or supplemental thereto.
3. Montana Department of Natural Resources and Conservation
 - a. Montana Major Facility Siting Act, 1975
 - b. Montana Environmental Policy Act, 1971
 - c. and all amendatory acts thereof or supplemental thereto.

C. Definitions

1. Level I - Master Agreement - The two Federal agency Memorandums of Understanding with the Governor are Level I Agreements. One is between the Governor and the Forest Service Regional Forester and was executed in December 1973; the other is between the Governor and the Bureau of Land Management State Director and was executed in June 1975.
2. Level II - Program Agreement - A more specific agreement than Level I. This program oriented Memorandum of Understanding is a Level II Agreement. It should be viewed in context with the Level I Agreements.
3. Level III - Project Agreement - A Level III Agreement is project oriented on a case-by-case basis and should be viewed in context with the Level I and II Agreements. It will cover all important project details.

SECTION II - LONG RANGE PLANNING

Long range planning addresses Regional or area concerns related to energy siting. Agency coordination, energy information management, and joint development of planning processes are within the scope of long range planning.

A. Objectives

1. Establishment of the planning process and siting decision criteria (narrative description)
2. Definition of unsuitable or unavailable areas (geographic locations)
3. Information exchange and coordination
4. Definition of public involvement process

B. Implementation

Within 3 months after the signing of this Memorandum of Understanding, the three agencies will form a workgroup to develop an action plan

and budget estimates for accomplishing the above objectives. Approval of the action plan by all three agencies shall be completed within the same 3-month period.

SECTION III - SHORT RANGE PLANNING AND MANAGEMENT

Short range program planning and management is concerned with actual proposals under the jurisdiction of the Montana Major Facility Siting Act which affect, or have the potential for affecting, Federal lands administered by the Bureau of Land Management or Forest Service.

A. Objective.- To set forth guidelines by which the Montana Department of Natural Resources and Conservation, Forest Service, and Bureau of Land Management can generate a Level III Agreement for joint administrative efforts on individual applications, or potential applications for which the Department of Natural Resources and Conservation has made contractual arrangements, hereinafter called "proposal."

B. Procedures

1. After receiving and accepting each proposal under the Montana Major Facility Siting Act, the Department of Natural Resources and Conservation will consult with the Bureau of Land Management and the Forest Service to determine whether or not they will be affected by the proposal. The persons to be contacted are: the Chief, Branch of Environmental Assessment in the State Director's Office, and the Director, Planning, Programming, and Budgeting in the Regional Forester's Office.
2. If the Bureau of Land Management or the Forest Service are affected by the proposal, the Department of Natural Resources and Conservation will initiate action toward joint study of the proposal by forwarding a copy of the proposal to each agency involved.
3. The Bureau of Land Management and Forest Service will each designate a lead agent to perform duties related to the proposal. The Department of Natural Resources and Conservation will then immediately set up a coordination meeting on dates acceptable to all agencies concerned.
4. In the event other Federal or State land management agencies are affected by a proposal, the Department of Natural Resources and Conservation will invite them to participate in the development of the Level III Agreement.
5. The roles and responsibilities of the concerned agencies will be defined at the coordination meeting. A Level III Agreement will be prepared to document the:

- a. Designation of a lead agency with responsibility to initiate action and coordinate the cooperative efforts of all parties involved in the study.
- b. Study area.
- c. Study objectives, methodology, and significant steps to be used in the inventory, analysis and evaluation processes; and public involvement program. Also, standards, guidelines and procedures to be used in the study process in order to achieve a consistent, quality product will be specified. Responsibilities will be assigned for each step.

Whenever possible, the time schedule for completing the study will be consistent with the requirements of the Montana Major Facility Siting Act, Montana Environmental Policy Act, and National Environmental Policy Act.

- d. Financing arrangements
- e. Skill and equipment sharing
- f. Other related items

Whenever possible, a joint Federal-State Environmental Impact Statement should be prepared to meet the requirements of the Montana Major Facility Siting Act, the Montana Environmental Policy Act, and the National Environmental Policy Act. In those instances where an Environmental Impact Statement is not required, the cooperating agencies may prepare a joint environmental analysis report.

C. Authorization, Construction Supervision and Project Administration

After the study process within Section III - B has been completed, each agency subject to its laws and regulations is responsible for determining the status of authorization, construction supervision and project administration. If the three agencies are in substantial agreement for pursuing the proposed projects they should be able to select a mutually acceptable transmission corridor. Agreement would include items such as:

- establish energy need by the Department of Natural Resources and Conservation.
- establish that the proposed project may be permitted to cross the Federal lands.
- establish that all appropriate alternatives are less acceptable than the proposed one.
- keeping environmental impacts of the proposed facility at an acceptable level.

1. Forest Service Responsibility - Applies to all administrative activities occurring and/or required on National Forest System lands. The Forest Service shall convey through a letter to the

Department of Natural Resources and Conservation that all requirements of the "Certificate of Environmental Compatibility and Public Need" (as identified in the Montana Major Facility Siting Act, 1975) have been met on National Forest System lands.

2. Bureau of Land Management Responsibility - Applies to all administrative activities occurring and/or required on National Resource lands. The Bureau of Land Management shall convey through a letter to the Department of Natural Resources and Conservation that all requirements of the "Certificate of Environmental Compatibility and Public Need" have been met on National Resource lands.
3. Department of Natural Resources and Conservation Responsibility - Applies to all administrative activities which occur and/or are required on State and private lands.

SECTION IV - LIMITATIONS, AMENDMENTS AND TERMINATION

A. Limitations

1. The cooperating agencies function under separate sets of laws and regulations and the private, State, National Resource, and National Forest System lands involved are usually managed to meet different combinations of resource and environmental objectives. It should, therefore, be understood that, while agreeing on a mutually acceptable inventory, analysis, and evaluation process, and on each of the interim decisions that lead to final decisions, it does not necessarily follow that all agencies will be in agreement on individual agency decisions.

In the event of differing conclusions, each agency will prepare separate reports on its decision under the Montana Major Facility Siting Act, Montana Environmental Policy Act, or National Environmental Policy Act as the case may be. In such a case, appropriate data may be used by all agencies.

2. No member of, or delegate to, Congress or Resident Commissioner shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.
3. In connection with the performance of work under this agreement, the cooperator agrees not to discriminate against any employee or applicant for employment because of race, religion, color, sex, or National origin.
4. The United States and the State of Montana shall not be liable to the cooperator for any damage incidental to the performance of this agreement.

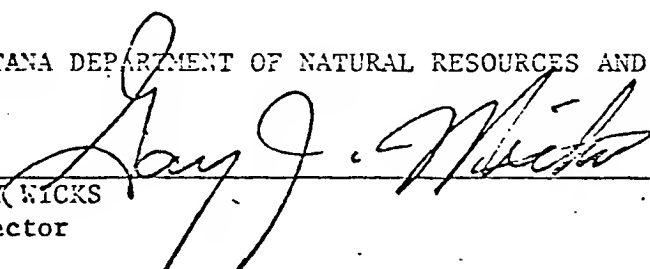
5. Nothing herein shall be construed as binding the United States or the State of Montana for payment of money in excess of appropriations authorized by law beyond the current fiscal year or until appropriations are available and a finance plan for subsequent years has been approved by the appropriate Federal or State agency.
6. Nothing herein should be construed as binding the Bureau of Land Management, Forest Service, and the Department of Natural Resources and Conservation to decisions not authorized by law, regulation, or policy.

B. Termination and Amendments

This Memorandum of Understanding may be terminated at any time by the Regional Forester, State Director, or Director, provided the other parties are given at least 30 days written notice. Amendments can be made at any time through mutual consent of all three agencies.

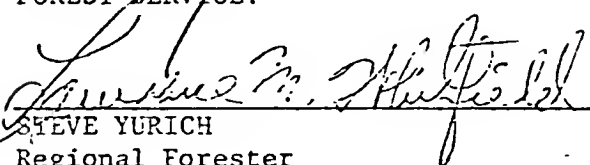
APPROVED:

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION:


GARY WICKS
Director

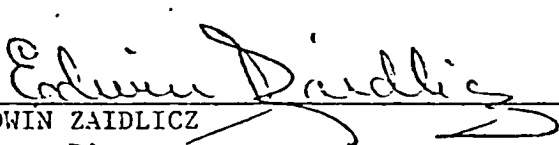
June 16, 76
Date

FOREST SERVICE:


STEVE YURICH
Regional Forester

5/5/76
Date

BUREAU OF LAND MANAGEMENT:


EDWIN ZAIDLICZ
State Director

6-1-76
Date

SCOPE OF WORK

I. Existing Corridors and Linear Utilities

The Contractor agrees to prepare maps showing the ownership and precise location, in Montana, of all existing (a) power transmission lines with a rating greater than or equal to 34.5 kilovolts; (b) hydro-electric power generation (including low head hydro) facilities; (c) fossil fuel conversion facilities (such as power generation, liquefaction, etc.); (d) substations served by the facilities listed under (a); (e) pipelines greater than 6 inches in diameter; (f) pump stations, delivery facilities, or compressor stations serving the facilities listed under (e); (g) aqueducts (water lines); (h) coal mines; (i) intercity telephone trunks; and (j) microwave towers. The information described above will be indicated statewide on five separate sets of maps: (A) paper AMS sheets (scale=1:250,000); (B) reproducible mylar overlays to AMS sheets (scale=1:250,000); (C) mylar overlays to 7.5 minute or 15 minute USFS quadrangle maps (best available, including advance copies); (D) mylar overlays to USGS/BLM intermediate 1:100,000 maps (surface management edition) where available, and on 1:125,000 Montana highway cell transparencies elsewhere; and (E) reproducible mylar overlays to USGS topographic maps of Montana (scale=1:500,000). In addition, the following shall be mapped on separate reproducible mylar overlays to AMS sheets (scale=1:250,000): (1) all railroads and all paved county, state, and federal roads where different from those shown on the AMS sheets; (2) potential facilities listed under (a) through (h) above which have not been formally proposed, including alternative sites and also including uranium mines and coal slurry lines; (3) proposed facilities listed under (a) through (h) above which are under study but have not received all necessary permits; (4) proposed facilities listed under (a) through (h) above which are under construction or which have all necessary permits; and (5) all existing and potential oil and gas development areas.

The Contractor shall also work closely with the Montana Bureau of Mines & Geology on their effort to map energy-related geological features in Montana to avoid duplication and ensure that their efforts complement this work.

All facilities mentioned above will be indicated by symbols reproducible in black-and-white and similar to those described in Exhibit "A", and approved by the Steering Committee before mapping begins.

II. Technical Standards for Corridor Siting

The Contractor agrees to study technical standards and constraints on the siting of individual types of energy rights-of-way. A draft re-

port will be available for review by the Steering Committee ten weeks after the contract is signed by the project coordinator. The study shall include the following tasks:

Engineering Considerations

(1) Compilation and cross-indexing in a systematic manner those engineering design criteria and requirements that affect the siting of linear facilities listed in Part I. For example, electric transmission line routing is constrained by rough terrain, steep side slopes, stability requirements for tower foundations, minimum clearance, etc. Each constraint needs to be quantified to be meaningful. Additionally, engineering design considerations may differ; transmission lines vary according to tower type, voltage, etc. Common and uncommon constraints between utilities need to be identified, for example comparing design considerations of electric transmission lines with those of buried pipelines.

The data shall be analyzed for (a) corridor-level routing, and (b) centerline routing.

Environmental Considerations

(2) Compilation and cross-indexing all environmental impacts which play major roles in siting each type of linear facility listed in Part I. This data shall be gathered at (a) corridor level and (b) centerline level and quantified to the extent possible.

Compatibility of Utilities

(3) Using the data gathered in (1) and (2), compiling a list of (a) similar and (b) optimum criteria pertinent to siting identical or different linear facilities in a single corridor. Engineering constraints and environmental impacts need to be analyzed and quantitatively compared using various combinations of utility's alignments; for example, the factors that affect close paralleling of a pipeline and a transmission line.

PROPOSED BUDGET

Six Month Schedule

	<u>Part I</u>	<u>Part II</u>	<u>Total</u>
<u>Personal Services</u>			
Salaries			
Administrative/Supervisor	\$1,500.00	\$1,500.00	\$3,000.00
Cartographer	600.00		600.00
Clerk (map)	600.00		600.00
Typist	200.00	200.00	400.00
Fringe (17%)	493.00	289.00	782.00
TOTAL Personal Services:	\$3,393.00	\$1,989.00	\$5,382.00
<u>Operation</u>			
<u>Contracted Services</u>			
Project Coord. (\$12.00/hr - 26 weeks)	4,992.00 (40%)	7,488.00 (60%)	12,480.00
Research Spec. (\$9.00/hr - 21 weeks)	5,300.00 (25%)	6,900.00 (75%)	9,200.00
Research Spec. (\$8.00/hr - 20 weeks)	1,600.00 (25%)	4,800.00 (75%)	6,400.00
Two Drafters (\$6.00/hr - 20 weeks)	9,600.00		9,600.00
Typist		800.00	800.00
Supplies & Materials	200.00	200.00	400.00
Maps	3,400.00		3,400.00
Mylar plus drafting	1,800.00		1,800.00
Communication & Transportation	100.00	200.00	300.00
Travel	500.00	1,500.00	2,000.00
Rent	800.00	1,200.00	2,000.00
Repair & Maintenance	25.00	25.00	50.00
Other Expenses	200.00	100.00	300.00
TOTAL Operations	\$25,517.00	\$23,213.00	\$48,730.00
Administrative Overhead (11%)	\$3,180.00	\$2,772.00	\$5,952.00
TOTAL BUDGET	\$32,090.00	\$27,974.00	\$60,064.00

Appendix C: Definitions

Avoidance Areas - Land areas unsuitable for facility siting for demonstrated geologic, hydrologic, environmental or socioeconomic reasons.

Centerline - The approved, precise location of the location of the linear center of a right-of-way as surveyed and staked on the ground.

Corridor Banking - Suitable and available areas which can be considered for future facility location.

Designated Corridor - A linear, variable width of land and/or airspace which is generally suitable, available, and needed for facility location purposes. It has ecological, technical, economic, social or similar advantages over other areas for the present or future location of transportation or utility rights-of-way within its boundaries. Corridor designation is based on knowledge of the lands and environment, and of the engineering characteristics of the facility. Corridors may contain one or more facilities of similar or diverse types.

Exclusion Areas - Land areas determined to be unavailable for corridor allocation or facility siting for reasons of unsuitability, legislative classification, or prior, unalterable allocation to uses incompatible with facility siting.

Planning Corridor - A linear strip of land which has ecological, technical, economic, social or similar advantages over other areas for the present or future location of transportation or utility rights-of-way within its boundaries.

Policy - Agency management positions established by or developed pursuant to applicable law and regulation.

Right-of-Way - The strip of land designated through easement condemnation or fee ownership as the location of a lineal facility.

Route - A general acceptable location for a proposed right-of way within a corridor, subject to adjustments of a prespecified magnitude and nature which can be made during centerline selection. One of the purposes of alternative route designation is to provide for comparative assessment of such considerations as length, river or stream crossings, land types and ecosystems involved, etc.

Siting Criteria - Guidelines and considerations for evaluating siting opportunities and locations. An established common set of standards applied in the siting analysis process to provide a uniform basis for decision.



